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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,171	04/19/2001	Nobuyoshi Nakajima	2091-0238P	8420
2292 7590 03/23/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER YE, LIN	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 03/23/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/837,171

Applicant(s)

NAKAJIMA ET AL.

Examiner

Lin Ye

Art Unit

2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attached. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-35.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Lin Ye
Primary Examiner
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/26/07 have been fully considered but they are not persuasive as to claims 1, 3, 28 and 30.

For amended claims 1, 3, 28 and 30, the applicant argues that the Baron reference (U.S. Patent 6,459,388) fails to disclose “the recommended composition data represent composition images recommended on said various recommended photography dates (as set forth in claims 2 and 29 as originally filed, and now in independent claims 1 and 28, as amended herein), or the recommended composition data represent composition images recommended under said various recommended weather conditions (as set forth in claim 3 and 30 as originally filed, and now in independent claims 3 and 30, as amended herein).” (See applicant’s REMARKS page 19, lines 9-21).

The examiner disagrees. The Baron reference clearly discloses in Figures 3, database 300 includes database 31 of sites (See Col. 6, lines 19-40), each of the sites 31 includes site information such as locations, and descriptions of scenic views and photo-spots (e.g., photographs or imaging data) which have been added to the database by **previous users or by this user at a previous time**, a user can select a site for visiting, and navigational information for guiding the user to a preferred photo-spot for capturing a preferred view of the site (See Col. 7, lines 55-68). **The photographs (images) in the selected site are considered as the recommended composition images.** In addition, the location information

may be used in conjunction with time data and/or weather information in aiding (recommending) users in finding the most appropriate photo-spot for the site at any given moment based on time of day, time of year, weather conditions, and like information **associated** with the recommended composition images. Also, such location, time, and weather information associated with the recommended composition images stored in the database in recommending a user of the particular parameters best suited for capturing the site at a particular time. Therefore, the Baron reference discloses the recommended composition data represent composition images recommended on said various recommended photography dates, and the recommended composition data represent composition images recommended under said various recommended weather conditions.

2. Applicant's proposed amendments filed on 2/26/07 to the claims 1, 3-5, 7-28 and 30-35 will not be entered and the final rejection stands because:

For claims 23-27 and 33-35, would require further search and consideration as to the merits for regarding in view of the new ground(s) of rejection, because the features in the original claims 2 and 29 are added in the independent claims 1 and 28. However, the previous original claims 23-27 and 33-35 do not require the features of the claims 2 and 29 as originally filed.

For this reason, the amendment filed on 2/26/07 will not be entered.

Conclusion

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lin Ye', with a long horizontal flourish extending to the right.

Lin Ye
Primary Examiner
Art Unit 2622

March 16, 2007